

UNITED STATES BANKRUPTCY COURT
WESTERN DISTRICT OF WISCONSIN

In re:

Rebecca A. Ottesen,
Debtor.

Case No. 22-11270-cjf

MOTION TO REOPEN BANKRUPTCY CASE

Rebecca A. Ottesen, the debtor herein (the “Debtor”), by her attorneys, Krekeler Law, S.C., filed papers with the Court seeking entry of an Order reopening the Debtor’s Chapter 7 case pursuant to 11 U.S.C. § 350(b) of the Bankruptcy Code, and Rules 5010 and 4007 of the Federal Rules of Bankruptcy Procedure, to seek:

- a. Declaratory relief that the federal student loans (“Debts”) identified on Debtor’s Schedule F are dischargeable upon a showing of undue hardship under 11 U.S.C. § 523(a)(8) through the filing of an adversary proceeding;
- b. Other just relief that this Court deems proper.

BACKGROUND

1. The Debtor filed a petition for relief under Chapter 7 of title 11 of the United States Code on August 10, 2022 (the “Petition Date”) as the above-captioned Chapter 7 case (the “Case”).
2. On November 14, 2022, this Court signed and entered the Order Discharging the Debtor (See Docket Entry No. 22).
3. The Final Decree stating that the bankruptcy estate had been fully administered and that the case was closed was issued on November 18, 2022 (See Docket Entry No. 24).

In support of this motion, Debtor states the following:

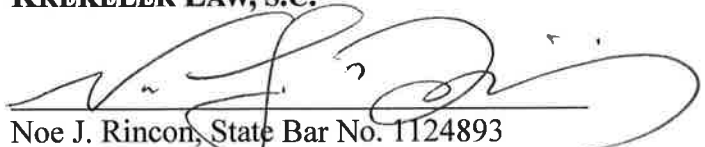
1. The amount of time that has elapsed since the case's closure does not prejudice the nonmovant(s), and the burden of demonstrating prejudice is on the nonmovant(s).
2. The relief sought by the Debtor requires a judicial determination through the adversarial process within a bankruptcy case.
3. The Debtor's present and future circumstances may be sufficient for a finding of undue hardship.
4. The question of whether undue hardship has been demonstrated to effectuate the discharge of a student loan debt is exclusively within the purview of this Court.

WHEREFORE, the Debtor respectfully requests that the Court reopen this case so that the Debtor may file an adversary proceeding seeking declaratory relief regarding the dischargeability of the Debtor's student loans, and for such other and further relief as the Court deems just and equitable.

Dated: November 3, 2023.

KREKELER LAW, S.C.

By:



Noe J. Rincon, State Bar No. 1124893

Attorneys for the Debtor,
Rebecca A. Ottesen

**UNITED STATES BANKRUPTCY COURT
WESTERN DISTRICT OF WISCONSIN**

In re:

Rebecca A. Ottesen,

Case No. 22-11270-cjf

Debtor.

NOTICE OF DEBTOR'S MOTION TO REOPEN BANKRUPTCY CASE

PLEASE TAKE NOTICE that the above-named Debtor, Rebecca A. Ottesen, by her attorneys, Krekeler Law, S.C., has filed papers with the Court requesting that the Court issue an Order To Reopen Debtor's Bankruptcy Case.

You should read these papers carefully and discuss them with your attorney, if you have one in this bankruptcy case. (If you do not have an attorney, you may wish to consult one.)

If you do not want the Court to eliminate or change your claims, then on or before **14 days** from the date of this notice, you or your attorney must:

File with the Court a written objection and request for hearing, explaining your objection to Debtors' Motion at:

United States Bankruptcy Court
120 North Henry Street
Madison, WI 53703

If you mail your objection to the Court for filing, you must mail it early enough so the Court will **receive** it on or before the date stated above.

You must also mail a copy to:

Attorney Noe J. Rincon
Krekeler Law, S.C.
26 Schroeder Court, Suite 300
Madison, WI 53711

Office of the United States Trustee
780 Regent St. Suite 304 A
Madison, WI 53715

If you or your attorney do not take these steps, the Court may decide that you do not oppose the Debtors' Motion to Extend Time to Bring Plan Current and therefore, the Court may enter an order extending time for the Debtor to bring his plan current.

Dated: November 3, 2023.

KREKELER LAW, S.C.

By:

A handwritten signature in black ink, appearing to read 'Noe J. Rincon', written over a horizontal line.

Noe J. Rincon
State Bar No. 1124893
Attorneys for Debtor,
Rebecca A. Ottesen

UNITED STATES BANKRUPTCY COURT
WESTERN DISTRICT OF WISCONSIN

In re:

Rebecca A. Ottesen,

Debtor.

Case No. 22-11270-cjf

CERTIFICATE OF MAILING

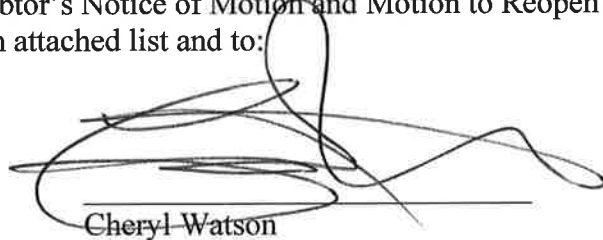
STATE OF WISCONSIN)
) ss.
COUNTY OF DANE)

The undersigned states that on November 3, 2023, the Debtor's Notice of Motion and Motion to Reopen Bankruptcy Case and proposed Order were electronically filed with the Clerk of Court and served upon the following parties using the ECF system:

Office of the U.S. Trustee
780 Regent Street, #304A
Madison, WI 53715

The undersigned states that on November 3, 2023, the undersigned mailed, properly enclosed in a postpaid envelope, a copy of Debtor's Notice of Motion and Motion to Reopen Bankruptcy Case and proposed Order to all on attached list and to:

Rebecca A. Ottesen
6718 N. Riley Road
Evansville, WI 53536


Cheryl Watson

Office of the United States Trustee
780 Regent Street
Suite 304
Madison, WI 53715

United States Treasury
Internal Revenue Service
P.O. Box 7346
Philadelphia, PA 19101-7346

Wisconsin Department of Revenue
ATTN: Bankruptcy Unit, MS 5-144
PO Box 8901
Madison, WI 53708

Wisconsin Dept. of Workforce Development
Division of Unemployment Insurance
P.O. Box 8914
Madison, WI 53708

Wisconsin Dept. of Workforce Development
Division of Unemployment Insurance
P.O. Box 8914
Madison, WI 53708

Aidvantage
US Dept of Education Loan Servicing
P.O. Box 9635
Wilkes Barre, PA 18773-9635

Capital One
ATTN: Bankruptcy Dept
P.O. Box 30285
Salt Lake City, UT 84130-0285

Capital One Auto Finance
P.O. Box 259407
Plano, TX 75025-9407

Comenity Capital Bank - Ulta
P.O. Box 182120
Columbus, OH 43218

Credit Control, LLC
3300 Rider Trail S, Suite 500
Earth City, MO 63045

Credit One Bank, N.A.
P.O. Box 98872
Las Vegas, NV 89193-8873

Cross River Bank
885 Teaneck Rd
Teaneck, NJ 07666

Daniel J. Ottesen
2000 Garvens Ct.
Waukesha, WI 53188

Diversified Recovery Bureau, LLC
40 Gardenville Pkwy Ste 201
Buffalo, NY 14224

Internal Revenue Service
Insolvency Unit
P.O. Box 7346
Philadelphia, PA 19101-7346

Jeff Viken
314 Chinquapin Orchard
Yorktown, VA 23693

Jora Credit
PO Box 8407
Philadelphia, PA 19101

Kevin Viken
6718 N. Riley Road
Evansville, WI 53536

Kohl's Department Store
P.O. Box 3115
Milwaukee, WI 53201

Lending Club
595 Market St. Ste 200
San Francisco, CA 94105

LVNV Funding LLC for Credit One Bank
c/o Resurgent Capital Services
PO Box 1269
Greenville, SC 29602

NC Financial Solutions
d/b/a NetCredit
175 West Jackson Blvd.
Suite 1000
Chicago, IL 60604-2863

UHG I, LLC
6400 Sheridan Drive Suite 138
Buffalo, NY 14221

Upstart Network Inc.
P.O. Box 61203
Palo Alto, CA 94306

Velocity Investments, LLC
PO Box 788
Belmar, NJ 07719